

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Architectural Busstrut Corporation *doing business as* busSTRUT,

Plaintiff,

V.

Target Corporation,

Defendant.

Case No. 19-cv-968 (DSD/ECW)

**STIPULATION TO AMEND THE  
APRIL 16, 2020 AMENDED  
PRETRIAL SCHEDULING  
ORDER**

The parties hereby submit the following Stipulation to Amend the April 16, 2020 Order amending the pretrial scheduling order (the “Order”) (Dkt. 45).

1. The Court's Order (Dkt. 45) sets trial for on or about May 3, 2021 and affixes, among others, the following discovery deadlines:

a. The parties must commence fact discovery procedures in time to be completed on or before **August 27, 2020**.

b. Disclosure of the identities of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B) (accompanied by the written report prepared and signed by the expert witness) and the full disclosures required by Rule 26(a)(2)(C), shall be made as follows:

i. Identities by the party with the burden of proof on or before **August 27, 2020**.

ii. Disclosures by the party with the burden of proof on or before **September 7, 2020.**

iii. Rebuttal identities and disclosures on or before **October 6, 2020**.

- c. Expert discovery, including depositions, shall be completed by **October 27, 2020**.
- d. All non-dispositive motions and supporting documents that relate to fact discovery shall be filed and served on or before **September 10, 2020**.
- e. All non-dispositive motions and supporting documents that relate to expert discovery, shall be filed and served on or before **November 10, 2020**.

2. While the parties have been diligently and cooperatively pursuing the completion of discovery, the parties' ability to meet the forgoing deadlines has been substantially impacted due to the travel, social distancing, and various other implementations enacted throughout the country as a result of the COVID-19 pandemic. The discovery that remains to be completed entails substantial travel. The lawyers handling this case and pertinent witnesses who need to be deposed are located in Texas, Ohio, and Minnesota. As a result of these restrictions, good cause exists under Local Rule 16.3(b) to modify the Amended Pretrial Scheduling Order.

3. Because of the uncertainty surrounding when exactly the COVID-19 pandemic will pass and the related restrictions will be lifted, the parties have agreed to, and respectfully request that the Court grant, a 120-day extension of each of the discovery deadlines stated above such that the new deadlines would be as follows:

- a. The parties must commence fact discovery procedures in time to be completed on or before **December 22, 2020**.

- b. Disclosure of the identities of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B) (accompanied by the written report prepared and signed by the expert witness) and the full disclosures required by Rule 26(a)(2)(C), shall be made as follows:
  - i. Identities by the party with the burden of proof on or before **December 22, 2020**.
  - ii. Disclosures by the party with the burden of proof on or before **January 6, 2021**.
  - iii. Rebuttal identities and disclosures on or before **February 5, 2021**.
- c. Expert discovery, including depositions, shall be completed by **February 24, 2021**.
- d. All non-dispositive motions and supporting documents that relate to fact discovery shall be filed and served on or before **January 8, 2021**.
- e. All non-dispositive motions and supporting documents that relate to expert discovery, shall be filed and served on or before **March 10, 2021**.

Based upon the forgoing, Plaintiff and Defendant, through their undersigned counsel, hereby move that the Court enter an order further amending the Amended Pretrial Scheduling Order to extend the deadlines as set forth herein.

Date: July 24, 2020

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